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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,111	03/17/2004	Toshinori Mizutani		3271

7590 08/20/2008  
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EXAMINER
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PARKER, BRANDI P

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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08/20/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/802,111	<b>Applicant(s)</b> MIZUTANI ET AL.	
	<b>Examiner</b> BRANDI P. PARKER	<b>Art Unit</b> 3623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/5/2004</u> .                                                | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. Claims 1-14 are pending in this Office Action.
2. Examiner acknowledges Applicant's Preliminary Amendment to claim 7 and the addition of claim 14, filed March 17, 2004.

### ***Priority***

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).
4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 5, 6, 8, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Zeif (US 7209859).

7. With respect to claims 1, 2 and 8, Zeif teaches a work record acquisition system in which respective worker's terminals are connected to a work record acquisition server common to a plurality of workers through a network, wherein the work record acquisition server comprises:

- a. work record storage means for storing the work record of each of the workers (column/line 11/54-56, regarding the storing of real time data received);
- b. input screen display control means for displaying a data input screen, on which at least a type of work, a work start time, and a finish of business operation can be designated, on each of the worker's terminals (column/line 9/30-42, regarding the interactive screed used to display information to the employee at the station; column/line 8/57-9/1, regarding employee identification and tracking information is read and stored in a computer at a station; column/line 9/62-10/7, regarding employee information being relayed to the interactive screen)

- c. work record calculation/storage means for writing, when a type of work and a work start time are designated from any one of the worker's terminals, a new work record including at least the received type of work and the received work start time in the storage region of the worker relating to the worker's terminal of the work record storage means, and writing the working hours, which are determined by the start time of an immediately previous work and the start time of the received new work, in the working hour column of the work record of the immediately previous work (column/line 28/33-49, regarding tracking employee's time spent at a particular work station) ; and
- d. final work record calculation/storage means for writing, when a finish of business operation is designated from any one of the worker's terminals, the working hours, which are determined by the start time of a final work and the time at which the finish of business operation is received, in the working hour column in the final work record of the worker relating to the worker's terminal of the work record storage means (column/line 28/33-49, regarding tracking employee's time spent at a particular work station).
8. As to claims 5 and 11, Zeif teaches a work record acquisition server according to claim 2, further comprising screen during work display control means for causing the predetermined worker's terminal to continuously display a screen during work which includes the information during work created from the information relating to the final

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work of a worker in the work record storage means and the screen during work is smaller than the display screen of the worker's terminal (column/line 9/30-42, regarding the interactive screed used to display information to the employee at the station).

9. Regarding claims 6 and 12, Zeif teaches a work record acquisition server according to claim 5, wherein the screen during work display control means causes the worker's terminal of a worker, relating to information during work, to display the screen during work (column/line 9/30-42, regarding the interactive screed used to display information to the employee at the station).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7 and 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeif (US 7209859).

12. With respect to claims 7 and 14, Zeif teaches a work record acquisition server according to claim 5, comprising authority storage means for storing an authority level in the relationship between the respective workers (column/line 23/25-28, regarding facility production manager accessing the production data at the work station). Zeif does not directly teach wherein the screen during work display control means causes the worker's terminal of a worker having a higher authority level to display the screen during work including the information during work of a worker or a plurality of worker whose authority level relating to the above worker is low. However, it is old in well known in the art for a person with higher authority level (i.e. system administrator) to be able to access the information of a person with lower authority level in a computer system.

It would have been obvious to one of ordinary skill in the art to include the business system of Zeif with the ability to for a person with higher authority level (i.e. system administrator) to be able to access the information of a person with lower authority level in a computer system as taught by old and well known art since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

13. Therefore, it would have been obvious to one with ordinary skill in the art to use the interactive display system in Zeif to allow the facility production manager to access the information that would be on the display screen of a worker with a lower authority level.

14. Regarding claim 13, Jensen teaches a work record acquisition program according to claim 11,

e. input screen display control means for displaying a data input screen, on which at least a type of work, a work start time, and a finish of business operation can be designated, on each of the worker's terminals (column/line 9/30-42, regarding the interactive screen used to display information to the employee at the station; column/line 8/57-9/1, regarding employee identification and tracking information is read and stored in a computer at a station; column/line 9/62-10/7, regarding employee information being relayed to the interactive screen);

f. work record calculation/storage means for writing, when a type of work and a work start time are designated from any one of the worker's terminals, a new work record including at least the received type of work and the received work start time in the storage region of the worker relating to the worker's



terminal of the work record storage means, and writing the working hours, which are determined by the start time of an immediately previous work and the start time of the received new work, in the working hour column of the work record of the immediately previous work; and final work record calculation/storage means for writing, when a finish of business operation is designated from any one of the worker's terminals, the working hours, which are determined by the start time of a final work and the time at which the finish of business operation is received, in the working hour column in the final work record of the worker relating to the worker's terminal of the work record storage means (column/line 28/33-49, regarding tracking employee's time spent at a particular work station;).

Zeif teaches a work record acquisition server according to claim 5, comprising authority storage means for storing an authority level in the relationship between the respective workers (column/line 23/25-28, regarding facility production manager accessing the production data at the work station). Zeif does not directly teach wherein the screen during work display control means causes the worker's terminal of a worker having a higher authority level to display the screen during work including the information during work of a worker or a plurality of worker whose authority level relating to the above worker is low. However, it is old in well known in the art for a person with higher authority level (i.e. system administrator) to be able to access the information of a person with lower authority level in a computer system.

It would have been obvious to one of ordinary skill in the art to include the business system of Zeif with the ability to for a person with higher authority level (i.e. system administrator) to be able to access the information of a person with lower authority level in a computer system as taught by old and well known art since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

15. Claims 3-4 and 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Zeif (US 7209859) in view of Taylor et al (US 6292830).

16. With respect to claims 3-4 and 9-10, Zeif teaches a work record acquisition server according to claim 2 further comprising means for employee identification and tracking the time the working arrives at the work station to start work. (column/line 28/33-37, regarding employee inserting a time card to identify the particular employee). Zeif does not teach using biometric data to allow the worker for identification and to access the work station. Taylor teaches using biometric data for verification of an individual's identity in a work environment (column/line 53/26-30, regarding biometric verification).

Since each individual element and its function are shown in the prior art, albeit shown in separate references, the difference between the claimed subject matter and the prior art rests not on any individual element or function but in the very combination itself- that is the substitution of the biometric data of the employee of Taylor for the employee card of Zeif.

Thus, the simple substitution of one known element for another producing a predictable result renders the claim obvious. Therefore, it would have been obvious to one with ordinary skill in the art to use a biometric worker identification system with the system in Zeif.

### ***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wynn et al (US 5459657, regarding employee time and accounting system), Furumatsu (US 2002/0103655, regarding work data management system).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDI P. PARKER whose telephone number is (571) 272-9796. The examiner can normally be reached on Mon-Thurs. 8-5pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDI P PARKER/  
Examiner, Art Unit 3623

/Andre Boyce/  
Primary Examiner, Art Unit 3623